

COHEN GREEN

July 31, 2024

Hon. Valerie Figueredo, U.S.M.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Rodriguez et al v. City of New York, et. al., 21-cv-10815 (PKC)

Dear Judge Figueredo:

I am co-counsel for Plaintiff in the case above. I write to raise a Court Order Defendants have failed to comply with — and that Defendants have failed to address despite repeated attempts to communicate and resolve the issue. As set out below, Plaintiff is asking (since Defendants apparently will not) that the Court extend Defendants’ blown deadline to produce roll calls and academy transcripts, but make clear that this extension is a firm, final date.

As the Court may recall, it held a hearing on a broad array of discovery issues on March 20, 2024. Among the things the Court Ordered produced were academy transcripts for the individual Defendants and roll calls for those individuals’ deployment. *See, e.g.*, 2024-03-20 Tr. at 18-19; 66-67. Because of Defendants’ counsel’s schedule, the Court allowed the parties to propose a long deadline for production. *Id.* at 81. Defendants said they needed several months — until June 4, 2024. *See, e.g.*, ECF No. 93. Defendants then asked for another extension — for 30 days until July 22, 2024 — which the Court granted. ECF No. 94.

July 22 came and went without any production, and the lawyer working on this case left the Law Department. When Plaintiff raised this issue, Defendants said they essentially forgot to meet the deadline. They asked if Plaintiff would “consent to a one week extension of the current deadlines” (e.g., to July 29). Plaintiff agreed — but Defendants never made any application. Plaintiff followed up on that application on July 25 twice. Defendants committed only to “take a closer look at” this issue “early next week.” Plaintiff responded again, highlighting that the Court ordered production, that Defendants violated that order, and that despite consent, Defendants never filed any motion seeking to extend that Court ordered deadline, ultimately asking, “Is that application still going in/is Monday still going to be when the City produces academy transcripts and roll calls?”

Despite “early next week” having come and gone, and another follow up email, Defendants simply have not responded. And Defendants have now missed the extension they asked for consent for, having not bothered to write the Court.

Plaintiff asks the Court to set a firm, final deadline (with no extensions absent genuine, good cause) to produce this discovery that was ordered produced all the way back in March. Given the time Defendants have already had, Plaintiff suggests something like 4 business days.



As ever, we thank the Court for its time and attention.

Respectfully submitted,

/s/

J. Remy Green

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COHEN&GREEN P.L.L.C.

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cc:

All relevant parties by electronic filing.

MEMO ENDORSED

HON. VALERIE FIGUEREDO

UNITED STATES MAGISTRATE JUDGE

DATED: August 5, 2024

The issues raised herein will be added to the discussion at the forthcoming conference on August 19, 2024.